

**Notice of Allowability**

Application No.

10/678,058

Examiner

James W. Myhre

Applicant(s)

WALKER ET AL.

Art Unit

3622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to preliminary amendment filed on 7/25/07.
2. ☒ The allowed claim(s) is/are 1-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 10/02/03; 03/25/04; 03/26/04.

### **DETAILED ACTION**

1. This Office Action is in response to the Request for Reissue filed on October 2, 2003 and the preliminary amendment filed on July 25, 2007. Claims 1-45 were in the original patent and dependent Claims 46-49 were added by the preliminary amendment. Therefore, the currently pending claims considered below are Claims 1-49.

#### ***Reissue Applications***

2. The Examiner notes that new Claims 46 and 48 add the limitation that "the identifier comprises a bar code" to Claims 37 and 42, respectively; and that new Claims 47 and 49 add the limitation "encode the coupon value in the bar code" to Claims 46 and 48, respectively. These limitations do not broaden nor narrow the scope of the claimed invention since these exact limitations were already present in Claims 27-30 that depend from Claims 2 and 27.

#### ***Allowable Subject Matter***

3. Claims 1-49 are allowed.
4. The following is an examiner's statement of reasons for allowance:
- a. Prior art was found which disclosed calculating a rounded purchase price and determining the difference between the purchase price and the rounded purchase price (Fiorini, "No Place For a Penny", pages 1 and 2), (Eleftheriou, 5,869,826); (LeStrange et

al, 5,371,345); and (Mori, 5,200,889). Numerous other articles submitted by the Applicant in the original application also disclose that methods which round up purchase prices were well known within the retail arts.

b. The Examiner further notes that it is old and well known within the retail art to "sell" coupons or coupons books (containing a number of coupons) for an amount less than the total worth of the coupons (e.g. a book of five \$10.00 car wash coupons which sells for \$40.00).

c. However, prior art was not found which disclosed that the price of the coupon(s) is determined by the difference between a purchase price and a rounded purchase price as in independent claims 1, 2, 31, 33, and 35-45 . Nor would it have been obvious to one having ordinary skill in the art at the time the invention was made to offer a coupon with a value equal to or greater than the rounding difference calculated by the cited references. Thus, the Examiner considers this feature to be the non-obvious novelty of the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JWM  
August 3, 2007



James W. Myhre  
Primary Patent Examiner